

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00134/2012, OA/310/01500/2014 & OA/310/00366/2015**

**Dated 12<sup>th</sup> February Two Thousand Nineteen**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

1. Dunna Devanandam
2. Puvvala China Satyanarayana
3. Kamidi Mariya Das
4. Akula Rambabu
5. Korukonda Nageswara Rao
6. Undurthi Venkateswara Rao
7. Gandhi Esuratnam
8. Kaja Govinda Raju
9. Kondepudy Maheswararao
10. Ganja Sreenivasa Rao
11. Pentapathi Babi Raju
12. Rekadi Satyam
13. Meda Gopala Krishna
14. Mattaparty Kumaraswamy
15. Ravi Subba Rao
16. Pitani Nerellu
17. Nagabathula Hari Prasad
18. Attili Govinda Raju
19. Dangeti Venkateswara Rao
20. Bandarulanka Satyanarayana
21. Malladi Kannayya
22. Karaka V.V.S.D. Prasad
23. Nakka Ramjee Ramana Kumar
24. Mediseti V.Surya Prasad
25. Penupothu Seetarama Raju
26. Mandapati Sreenivasa Rao
27. Rayudu Arjuna Rao
28. Grandhi Krishni Sudhakar

- 29.Ramisetty Srinu Babu
- 30.Gubbala Nukayya
- 31.T.V.V.Naga Sreenivas
- 32.Bokka Venkata Durga Babu
- 33.Polapala Srinivasa Rao
- 34.Reyya Taliath Joseph
- 35.Salagrama Sri Rama Murthy
- 36.Voleti Srinivasa Varma
- 37.Yesenepalli Ramudu
- 38.Suriseti Babji
- 39.Pesingi Edukondala Venkata Ramana
- 40.Malladi Sreenivas
- 41.Naidu Srinivasa Raja
- 42.Kalluri Murali Krishna
- 43.Ganti Uma Simhachelam
- 44.Kona Ramachandra Rao
- 45.Kamadi Sreenivas
- 46.Puvvala Ramesh
- 47.Kotnala Vijaya Kumar
- 48.Mohamed A.K.Ahmad Vali
- 49.Boodu Srinivasa Rao
- 50.Kaki Srinivasulu
- 51.Vanamadi Veerraju
- 52.Sonna Esubabau
- 53.Oleti Ravi Kanth
- 54.Nalla Satya Murthy
- 55.Korukonda Chandra Rao
- 56.Pulugu Sreenivasu
- 57.Surampudi Jogi Sreenivas
- 58.Masagiri Govindarajulu
- 59.Illingi Perraju
- 60.Surimilli Veera Babu
- 61.Kanakala V.V.S.Narayana
- 62.Palepu Dharma Hari Prasad
- 63.Draksharapu Satyanarayana
- 64.Magapu Satya Sesha Giri Rao
- 65.Ari Appa Rao
- 66.Mattaparthi Masenu
- 67.Penupothu Venkata Tata Rao
- 68.Koppadi Sreenivasu
- 69.Kunche Vidya Sagar
- 70.Pampana Venkata Ravi Kumar
- 71.Polimari Sudhakar

72. Sontenam Viswanadham
73. Dadala Arjuna Rao
74. Molagajjela Anantaram
75. Sheik M. Karim Pasha
76. Karri Gopi Krishna
77. Koppada Nagamanendra Rao
78. Degala Siva Rama Krishna
79. Kodavati Veera Babu
80. Vaddi Vijaya Bhaskara Rao
81. Kolli Rama Krishna
82. Jasti Raja Ramesh
83. Surampudi Karunakara Dayanidhi
84. Ratcha Gopala Krishna
85. Polisetti Satti Raju
86. Chikkala Ganesh
87. Murrey Prasadu
88. Dommeti Venkateswara Rao
89. Talluri Venkata Ramana Kumar
90. Koppanathi Satyanarayana
91. Ch. V. V. Kali Sarma
92. Pentapati Subrahmanyam
93. Malladi Narayana Rao
94. Gidla Veera Babu
95. Pesingi Ram Babu
96. Kaneedi Durga Prasad
97. Malladi Govindarajulu
98. Sangadi Lokesh
99. Elipey Venkata Rao
100. Nagabattula B. V. Sudhir
101. Penupothu Rambabu
102. Kadali Krishna
103. Reyya Prasanna Raju
104. Mahadeva Nuka Raju
105. Kalla Venkata Rama Prasad
106. Potabattula Adinarayana
107. Kadali Uma Vishnu
108. Dangeti Sreenu
109. Dhulipudi Muralidhar
110. Karri Uma Satya Narasimha Siva Kumar
111. Doddi Veera Venkata Nooka Rama Subrahmanyam
112. Kokkilligadda Venkanna Babu
113. Olety Venkateswara Rao
114. Puvvala Venu

115. Malladi Vigneswarudu
116. Pesingi Satti Raju
117. Koppanathi Nagamanendra Rao
118. Malladi Rama Krishna
119. Nati Srinivasu
120. Nune Narasimhulu
121. Ginjala Buchi Babu
122. Matcha Govinda Rajulu
123. Allampalli Hari Prasad
124. Karri Surya Chandram
125. Palapala Raju
126. Kollu Veera Venkata Satyanarayana
127. Karri Hari Krishna
128. Mattaparthi Sreenivasa Rao
129. Kaki Srinivas
130. Pampana Nooka Raju
131. Kola Param Jyothi
132. M.V.V.Satyanarayana
133. Adadadi Sathish
134. Dangudubiyam Swami Naidu
135. Malladi Srinivasa Rao
136. Surimilli Ravi Babu
137. Karri Rama Bhadri Rao
138. Aradadi Padma Rambabu
139. Palepu Veera Babu
140. Sangadi Srinivasu
141. Mudunuri Murali Krishna Varma
142. Sangadi Anjaneyulu
143. Bunga Ayyappa
144. Gorrele Verra Babu
145. Malladi Nooka Raju
146. Pantadi Pochayya
147. Ponnadi Rama Krishna

.. Applicants in OA 134/2012

148. Penupothu Seetarama Raju
149. Mandapati Sreenivasa Rao
150. Rayudu Arjuna Rao
151. Grandhi Krishna Sudhakar
152. Ramisetty Srinu Babu
153. Gubbala Nukayya
154. T.V.V.Naga Sreenivas
155. Bokka Venkata Durga Babu
156. Polapala Srinivasa Rao

157. Reyya Taliath Joseph
158. Salagrama Sri Rama Murthy
159. Voleti Srinivasa Varma
160. Yesenepalli Ramudu
161. Suriseti Babji
162. Pesingi Edukondala Venkata Ramana
163. Malladi Sreenivas
164. Naidu Srinivasa Raja
165. Kalluri Murali Krishna
166. Ganti Uma Simhachelam
167. Kona Ramachandra Rao
168. Kamadi Sreenivas
169. Puvvala Ramesh
170. Kotnala Vijaya Kumar
171. Mohamed A.K.Ahmad Vali
172. Boodu Srinivasa Rao
173. Kaki Srinivasulu
174. Vanamadi Veerraju
175. Sonna Esubabau
176. Oleti Ravi Kanth
177. Nalla Satya Murthy
178. Korukonda Chandra Rao
179. Pulugu Sreenivasu
180. Surampudi Jogi Sreenivas
181. Masagiri Govindarajulu
182. Illingi Perraju
183. Surimilli Veera Babu
184. Kanakala V.V.S.Narayana
185. Palepu Dharma Hari Prasad
186. Draksharapu Satyanarayana
187. Magapu Satya Sesha Giri Rao
188. Ari Appa Rao
189. Mattaparthi Masenu
190. Penupothu Venkata Tata Rao
191. Koppadi Sreenivasu
192. Kunche Vidya Sagar
193. Pampana Venkata Ravi Kumar
194. Polimari Sudhakar
195. Sontenam Viswanadham
196. Dadala Arjuna Rao
197. Molagajjela Anantaram
198. Sheik M.Marim Pasha
199. Karri Gopi Krishna

200. Koppada Nagamanendra Rao
201. Degala Siva Rama Krishna
202. Kodavati Veera Babu
203. Vaddi Vijaya Bhaskara Rao
204. Kolli Rama Krishna
205. Jasti Raja Ramesh
206. Surampudi Karunakara Dayanidhi
207. Ratcha Gopala Krishna
208. Polisetti Satti Raju
209. Chikkala Ganesh
210. Murrey Prasadu
211. Dommeti Venkateswara Rao
212. Talluri Venkata Ramana Kumar
213. Koppanathi Satyanarayana
214. Ch.V.V.Kali Sarma
215. Pentapati Subrahamanyam
216. Malladi Narayana Rao
217. Gidla Veera Babu
218. Pesingi Ram Babu
219. Kaneedi Durga Prasad
220. Malladi Govindarajulu
221. Sangadi Lokesh
222. Elipey Venkata Rao
223. Nagabattula B.V.Sudhir
224. Penupothu Rambabu
225. Kadali Krishna
226. Reyya Prasanna Raju
227. Mahadeva Nuka Raju
228. Kalla Venkata Rama Prasad
229. Potabattula Adinarayana
230. Kadali Uma Vishnu
231. Dangeti Sreenu
232. Dhulipudi Muralidhar
233. Karri Uma Satya Narasimha Siva Kumar
234. Doddi Veera Venkata Nooka Rama Subrahmanyam
235. Kokkilligadda Venkanna Babu
236. Olety Venkateswara Rao
237. Puvvala Venu
238. Malladi Vigneswarudu
239. Pesingi Satti Raju
240. Koppanathi Nagamanendra Rao
241. Malladi Rama Krishna
242. Nati Srinivasu

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|------|-----------------------------------|-------------------------------|
| 243. | Nune Narasimhulu                  |                               |
| 244. | Ginjala Buchi Babu                |                               |
| 245. | Matcha Govinda Rajulu             |                               |
| 246. | Allampalli Hari Prasad            |                               |
| 247. | Karri Surya Chandram              |                               |
| 248. | Palapala Raju                     |                               |
| 249. | Kollu Veera Venkata Satyanarayana |                               |
| 250. | Karri Hari Krishna                |                               |
| 251. | Mattaparthi Sreenivasa Rao        |                               |
| 252. | Kaki Srinivas                     |                               |
| 253. | Pampana Nooka Raju                |                               |
| 254. | Kola Param Jyothi                 |                               |
| 255. | M.V.V.Satyanarayana               |                               |
| 256. | Adadadi Sathish                   |                               |
| 257. | Dangudubiyyam Swami Naidu         |                               |
| 258. | Malladi Srinivasa Rao             |                               |
| 259. | Surimilli Ravi Babu               |                               |
| 260. | Karri Rama Bhadri Rao             |                               |
| 261. | Aradadi Padma Rambabu             |                               |
| 262. | Palepu Veera Babu                 |                               |
| 263. | Sangadi Srinivasu                 |                               |
| 264. | Mudunuri Murali Krishna Varma     |                               |
| 265. | Sangadi Anjaneyulu                |                               |
| 266. | Bunga Ayyappa                     |                               |
| 267. | Gorrela Verra Babu                |                               |
| 268. | Malladi Nooka.Raju                |                               |
| 269. | Pantadi Pochayya                  |                               |
| 270. | Ponnadi Rama Krishna              | .. Applicants in OA 1500/2014 |
| 271. | Voggu Srinivasa Rao               |                               |
| 272. | Chinta Dharma Rao                 | .. Applicants in OA 366/2015  |

By Advocate **M/s.M.Ravi**

**Vs.**

1. The Secretary to Government,  
Government of Puducherry,  
Local Administration & Public Works Department,  
(Public Works Wing),  
Secretariat, Puducherry.
2. The Chief Engineer,  
Public Works Department,  
Puducherry.

3. The Engineering Assistant to  
Chief Engineer,  
Public Works Department,  
Puducherry.

4. The Executive Engineer,  
Public Works Department,  
Yanam.

.. Respondents in all the OAs

5. Union of India, rep by  
Chief Secretary to Government,  
Personnel & Administrative Reforms (Personnel Wing)  
Department, Government of Puducherry,  
Puducherry.

6. The Joint Secretary to Government(Works),  
Government of Puducherry,  
Chief Secretariat (Works),  
Puducherry.

.. Respondents in OA 1500/2014 & 366/2015

By Advocate **Mr.R.Syed Mustafa**



**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OAs were filed seeking the following relief:-

OA 134/2012:

“to call for the records relating to the order in O.M.No.1-1/PW/CE/EC4/2009-10 dated 19.10.2011 of the third respondent, quash the same in so far as it related to Yanam Region and issue consequential directions to the respondents to revert back to the original system of preparing a State-wide seniority list of Full time casual labourers for the purpose of appointment to the post of Mazdoor instead of Region-wise Seniority list and then to call for the objections with regard to the placing in the said list within a limited time frame and pass such further or other orders as this Tribunal deems fit and thus render justice”

OA 1500/2014:

“to call for the records on the file of the respondents in Order No.141/PW-1/A2/2013 dated 20.8.2014 issued by the second respondent and quash the same and consequently direct the respondents to regularly absorb the full time casual laborers in Local Administration and Public Works Department, Puducherry only in the order of seniority with reference to the respective dates of initial engagement as full time casual labourer on a state wide seniority basis and to accordingly regularize the services of all of the applicants by absorbing them as Multi Tasking Staff or in any other suitable regular posts in the order of such seniority and to grant them all consequential benefits and pass such further or other orders as deemed fit and thus render justice.”

OA 366/2015:

“to direct the respondents to include the applicants in Yanam Region herein in the list of Full time Casual Labourers dated 20.8.2014 issued in pursuance of G.O.Ms.No.22, Personnel and Administrative Reforms (Personnel Wing)

Department, Puducherry dated 27.2.2009 to grant them all consequential benefits and pass such further or other orders as deemed fit and thus render justice.”

2. Since the relief sought and the issues raised therein are of a similar nature, these OAs are taken up together and disposed of by this common order.

3. The above OAs were filed by by Casual Labourers who are working under various departments of the Government of Puducherry from the year 2005 onwards. According to the applicants, the Government as per G.O.Ms.24, Local Administration and Public Works Department (Public Works Wing) dated 20.6.2005 has sanctioned for the posts of 600 Casual Labourers in the various Divisions of the Public Works Department(PWD) in Puducherry, Karaikal, Mahe and Yanam to meet the increased work of the department. In pursuance of the above order, the Government had also sanctioned 150 posts for Yanam area. Out of 664 posts sanctioned the actual number of posts was restricted to 600. The applicants herein are similarly placed persons and have been appointed as Full Time Casual Labourers as early as in the year 2005 and has been continuously working in the sanctioned posts uninterruptedly and has become eligible for regularization.

4. In 2009, the department of Personnel and Administrative Reforms (Personnel Wing) had brought a Scheme “The Government of Puducherry Casual Laborers (Engagement and Regularization) Scheme 2009” as per G.O.Ms.No.22 dated 27.2.2009. The scheme is applicable as a one time measure to all Casual Labourers working in the Government Department of Puducherry and as per clause 11 of the

said Government order a list of Full Time and Part Time Casual Labourers has to be prepared and after calling for objections it has to be finalised with the approval of the Government. Wherever absorption is provided as a method of recruitment in the Recruitment Rules, the vacancies existing in the relevant posts as on the date of notification of the scheme shall be filled up by absorption of eligible Full Time Casual Labourers from the list prepared by the department. As per clause 14 of the Scheme, depending upon the requirement not more than 25% of vacancies arising in future in Group 'D' posts will be filled up by absorption of Full Time Casual Labourers available in the list. After the beginning of the scheme, the applicants were expecting absorption and regularization as per the scheme. The applicants are fully qualified for getting the benefit of the scheme. The Government of Puducherry had prepared a draft list of Full Time Casual Labourers under engagement in the PWD irrespective of the source of engagement on the date of notification of the scheme and the Chief Engineer, PWD, Puducherry, as per proceedings dated 30.6.09 directed all Executive Engineers to obtain objection, if any, to the list prepared. According to the applicants, the draft list was finalised thereafter and the name of the applicants except the name of the applicant in 366/15 were included in the list of Casual Labourers prepared by the department. The draft list is produced as Annexures A1-A4.

5. In the meanwhile, suddenly without giving any notice to the applicants, the

department had changed the seniority list of casual labourers and issued a fresh list of casual labourers based on various regions of Puducherry, Yanam, Mahe and Karaikal. According to the applicants, the respondents have no authority to change the draft list prepared by the department as per the scheme notified and this has changed the expectations of the applicants herein. Instead of preparing a single list of casual labourers, the respondents have drawn 4 lists from separate regions and this has affected the rights of the applicants. It is also against the policy and against the provisions of law. It is also against Article 14 and 16 of the Constitution of India. So, the applicants pray for quashing the list of casual labourers prepared region-wise on 19.10.11 by the 3<sup>rd</sup> respondent and to restore the original State-wise list for the purpose of implementing the scheme.

6. The respondents entered appearance and filed a reply denying the allegations in the applications. They have admitted that the respondents have at first published State-wise list of casual labourers for the purpose of appointment and objections were filed against the said list by casual labourers engaged on compassionate grounds and after considering the objections and in consultation with the Department of Personnel and Administrative Reforms (Grievances Cell), Puducherry, it was unanimously decided that the date of engagement will be the criteria for reckoning the seniority of the Full Time Casual Labourers engaged on various occasions in PWD irrespective of their source of engagement. Further, considering the nature of work involved and the

complications and difficulties that would arise in regularizing the services in the outlying regions of Karaikal, Mahe and Yanam, it was decided to prepare a region-wise seniority list separately for Puducherry, Karaikal, Mahe and Yanam region, Considering the posts sanctioned for each region. The Government had issued separate seniority list for Puducherry, Karaikal, Mahe and Yanam region as per OM No.1-1/PW/CE/EC4/2009-2010 dated 19.10.2011. About 558 Casual Labourers engaged in various divisions of Puducherry region are put in Puducherry list and 97 Casual Labourers engaged in Karaikal region was put in seniority list of Karaikal region and 28 Casual Labourers engaged in Mahe region was placed in the seniority list of that region. About 158 Casual Labourers engaged in Yanam region are placed in the seniority list of that region also. So, there is no merit in the application filed by the applicant.

7. We have heard both sides and perused the pleadings. The Government of Puducherry had prepared scheme by name "Puducherry Casual Laborers (Engagement and Regularization) Scheme 2009 as per G.O.Ms.22 dated 27.2.99. The scheme came into effect with effect from the date of its publication. It was made applicable to all casual labourers, except those charged to specific works or schemes working in departments of the Government of Puducherry of their attached subordinate offices subject to their eligibility as per the provisions of the scheme." Casual Labourers who are under engagement for a period not less than 8 hours a day

shall be termed as “full time” casual labourers and those who are engaged less than 8 hours are termed as “part-time” casual labourers. As per clause (11) the respondents have to prepare a list of full time and part time casual labourers, irrespective of the source of engagement on the date of this notification from among Sanitary Assistant, Sanitary Helper and Watchman etc. A similar list has to be prepared regarding part time casual labourers. It shall be published and opportunity should be given for objections and after 15 days a final list will have to be approved.

8. As per the above provision, the PWD had published a draft list of full time casual labourers on 30.6.09. An opportunity was also given to the persons to file their objections if any to the list. The same is produced as Annexure A2. The list contained 781 numbers of casual labourers engaged in the Union Territory of Puducherry. The scheme was upheld by the Hon'ble High Court as per order in WP 18615/05, 596/06, 1034/14784 & 24640/09 dated 22.12.2010. Thereafter the PWD had issued a fresh OM dated 19.10.11 preparing a fresh draft list of casual labourers region-wise for Yanam region showing 155 persons. The applicants challenges this list as it has changed the seniority list of casual labourers already prepared earlier. The respondents admitted the State-wise list published on 30.6.09. The reason for changing the State-wise list to region-wise list was the objections of labourers engaged on compassionate grounds. The matter was considered on ministerial level and the government decided to prepare the list region-wise ie., for Puducherry,

Karaikal, Mahe and Yanam regions. Accordingly, a fresh list of casual labourers was published on 19.10.11. According to the respondents counsel, there is no merit in the application.

9. The counsel for the applicants mainly rely on the decision of the Hon'ble Supreme Court in *Radhey Shyam Singh & Others v. Union of India (1997) 1 SCC 60* wherein it was held that zone-wise selection is discriminatory and it is against the principles enunciated in Article 14 and 16 of the Constitution. According to the applicants, there is no proper reason stated as to why a zone-wise list was drawn up. The scheme introduced does not provide for absorption zone-wise and as per clause(11) of the Scheme the government is expected to prepare a list of Full Time casual labourers, irrespective from what source they come. There is no clear statement as to what was the objections raised and what is the reason for selection of region-wise within the Union Territory.

10. During the argument also, the counsel for the respondents had failed to put forward a cogent reason for changing State-wise list to Region-wise list. This has affected the rights of the applicants adversely. The Hon'ble Supreme Court in *“Radhey Shyam”* case (referred supra) held that selection list giving importance to regions within the State is not legally sustainable as it discriminates others. Here the respondents had prepared the select list region-wise depriving other similarly placed persons their opportunity to get absorbed. Hence the seniority list published treating

the Union Territory into separate regions and giving preference to persons of those regions is bad in law and cannot be sustained.

11. We find merit in the contentions raised by the applicants. We accordingly set aside Order No.141/PW-1/A2/2013 dated 20.8.14 (OAs 1500/14 & 366/15) and Order No. No.1-1/PW/CE/EC4/2009-10 dated 19.10.2011 (OA 134/2012). The respondents are hereby directed to prepare a State-wise list of Part Time/Full Time Casual Labourers available as on the date of publication of notification of “The Government of Puducherry Casual Laborers (Engagement and Regularization) Scheme 2009” as per clause (3), (4) and (11) after giving opportunity for objections regarding their place in the list within a period of three months from the date of receipt of a copy of this order.

12. OA is disposed off accordingly. No costs.

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

12.02.2019

/G/